

### **Remarks**

The various parts of the Office Action are discussed below under similar headings.

### **Claims**

Claims 38-40, 42-46 and 48-53 have been amended.

### **Claims 1-37**

It is respectfully requested that Examiner reconsider claims 1-37. It is respectfully submitted that Fitz, Dooris et al. and Soboleski et al., alone or in combination, do not disclose the limitations of claims 1-37.

### **Interview**

On February 23, 2007, a ~~telephone~~ interview was conducted with the Examiner during which claims 38-53 were discussed. It was expressed to the Examiner that claims 38-53 were drafted with the intention of invoking 35 U.S.C. § 112, 6<sup>th</sup> paragraph. The Examiner indicated that the inclusion of the language "superior implant means" and "inferior implant means" recited too much structure in the Examiner's opinion and that claims 38-53 were therefore not considered to be means-plus-function type claims. -The Examiner further indicated that removal of "superior implant" and "inferior implant" from the claims would bring the claims into compliance with 35 U.S.C. § 112, 6<sup>th</sup> paragraph.

It is respectfully submitted that the "superior implant" and "inferior implant" language was not intended to recite structure. Instead, the "superior implant" and "inferior implant" language was included as a shorthand distinction between the "means" to provide antecedent basis for limitations of dependent claims without requiring the repetition the entire function of the "means" in each of the dependent claims.

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At the Examiner's suggestion, the claims have been amended to remove the "superior implant" and "inferior implant" language that the Examiner considered to have imposed structural limitations.

***Conclusion***

This application is now in condition for allowance and an early action to that effect is earnestly solicited.

Respectfully submitted,

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